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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,677	12/09/2005	Tor Ronnestad	OPA 323	3688
23581 7590 12/21/2007 KOLISCH HARTWELL, P.C. 520 SW YAMHILL STREET, Suite 200 PORTLAND, OR 97204			EXAMINER EDELL, JOSEPH F	
			ART UNIT 3636	PAPER NUMBER
			MAIL DATE 12/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/538,677	Applicant(s) RONNESTAD, TOR	
	Examiner Joseph F. Edell	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, the phrase "the fixing of the springs (18, 19)" is unclear rendering the scope of the claim indefinite.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 7-9, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,799,323 to Berg in view of U.S. Patent No. 2,818,911 to Syak.

Berg discloses a mobile joint that is basically the same as that recited in claims 1-3 and 7-9, as best understood, except that the first and second springs are not

specified as plate springs and no dimensions of the mobile joint are specified, as recited in the claims. See Figure 6 of Berg for the teaching that the mobile joint has first and second joint elements 15,17L pivotally connected by a shaft, first and second parallel coil springs 31,31 each with first and second ends, and an intermediate block element 27 wherein each spring has a first end connected to the first joint element and a second end abutting the second joint element, an axis of rotation displaced in relation to each other and the shaft, the spring is capable of adjusting by adjusting the distance from the axis of rotation of the shaft to the fixed ends of the springs, the mobile joint forming in a chair with a seat device and underframe connected via the mobile joint, and the mobile joint is integrated in the seat device. See Figure 7 of Berg for the teaching that the coil springs may be replaced with a plate shaped resilient blocks each with a first end connected to the first joint element and the second end glidingly abutting the second joint element. Berg does not teach the springs being plate springs. Syak teaches a joint (see Fig. 3) having plate spring 30 abutting first and second elements 14,22 and abutting a blocking element 37 when deflected. Because both Berg and Syak teach springs to bias a joint in relation to first and second elements, it would have been obvious to one of ordinary skill in the art to substitute one spring type for the other to achieve the predictable result of biasing a joint relative to first and second elements.

With respect to claim 7, modifying the joint dimensions would have been obvious at the time of Applicant's invention because the use of optimal workable dimension ranges discovered by routine experimentation is ordinarily within the skill of the art. Further, it would have been an obvious matter of design choice to modify the joint

dimensions of Berg since the Applicant has not disclosed that having the specific dimensions solves any stated problem or is for any particular purpose and it appears that the mobile joint would perform equally well with any well known dimensions used in the art.

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg in view of Syak as applied to claims 1 and 7-9 above, and further in view U.S. Patent No. 5,775,774 to Okano.

Berg, as modified, discloses a mobile joint that is basically the same as that recited in claims 4 and 5 except that the spring material is not specified, as recited in the claims. Okano shows a mobile joint similar to that of Berg wherein the joint has a spring 64 (see Fig. 2) made of fiberglass and reinforced with carbon (see column 5, lines 5-9). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the mobile joint of Berg such that the springs are made of fiberglass and reinforced by carbon, such as the mobile joint disclosed by Okano. One would have been motivated to make such a modification in view of the suggestion in Okano that springs of fiberglass and reinforced with carbon allows springs to be custom made providing desired zones of flexibility.

### ***Response to Arguments***


6. Applicant's arguments with respect to claims 1-5 and 7-9 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joe Edell  
December 17, 2007

  
JOE EDELL  
PRIMARY EXAMINER